Seattle

Department of Planning and Development
Diane M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

INTRODUCTION

This document pertains to the Director's analysis and decision for five (5) separate but related Master Use Permits (MUPs).

The application reviewed in this analysis is for the Project 3012594 Seward Park Mitigation Site. This is one of four off-site mitigation areas proposed as mitigation for aquatic and wetland impacts that cannot be eliminated or mitigated within the West Approach project area.

The related applications include:

Project 3012587 2400 B E Lake Washington Boulevard – SR 520 West Approach
Project 3012592 3681 NE 41st Street – SR 520 Union Bay Mitigation Site
Project 3012593 Unaddressable – SR 520 WSDOT Peninsula Mitigation Site
Project 3012594 5898 Lake Washington Boulevard South – Seward Park Mitigation Site
Project 3012595 10034 Rainier Avenue South – Taylor Creek Mitigation Site.

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ANALYSIS AND DECISION

1 Application 3012594 5898 Lake Washington Boulevard – Seward Park Mitigation Site

Application Number: 3012594

Applicant Name: Kerry Pihlstrom for Washington State Department of Transportation

Addresses of Proposal: 5898 Lake Washington Boulevard South

1.1 SUMMARY OF PROPOSED ACTION

SR 520 Replacement Project - Seward Park Mitigation Site for West Approach Portion (Project #3012587). Shoreline Substantial Development Permit to remove an existing bulkhead and enhance existing shoreline habitat in four areas of Seward Park. Project is proposed as off-site mitigation for impacts of the SR 520 Replacement Project – West Approach Portion (reviewed under Project 3012587)

Environmental documents prepared by Washington State Department of Transportation (WSDOT) and the Federal Highway Administration.

Environmental documents have been prepared by Washington State Department of Transportation (WSDOT) and the Federal Highway Administration (FHWA). The Draft Environmental Impact Statement for the SR 520 Bridge Replacement and HOV Program was released in August 2006. A Supplemental Draft Environmental Impact Statement prepared by FHWA and WSDOT was released in January 2010. The EIS was issued on June 17, 2011.

The following approvals are required:

Shoreline Substantial Development Permit to allow development in the Conservancy Preservation and Conservancy Recreation (CP and CR) Shoreline Environments.

Shoreline Conditional Use to allow landfill for creation/enhancement of habitat as mitigation in the Conservancy Preservation (CP) environment.

SEPA - To approve, condition or deny pursuant to Seattle's SEPA policies. Chapter 25.05.660, Seattle Municipal Code.

1.1.1 Background Information

1.1.1.1 SR520 Bridge Replacement and HOV Program

The SR 520, I-5 to Medina Project would widen the SR 520 corridor to six lanes from I-5 in Seattle to Evergreen Point Road in Medina and would restripe and reconfigure the lane channelization in the corridor from Evergreen Point Road to 92nd Avenue Northeast in Yarrow

Point. It would replace the existing Evergreen Point Bridge, including the floating bridge and west and east approaches, and the Portage Bay Bridge with new structures.

Because of the difference in types of new structures, and the difference in shoreline environments in which those structures would be located, the Washington Department of Transportation (WSDOT) has applied to the City of Seattle for four separate Shoreline Substantial Development Permits (SSDP).

To mitigate for impacts caused by the West Approach portion of the SR 520, I-5 to Medina project that cannot be addressed within the project area of the West Approach, WSDOT is proposing to provide mitigation at four off-site locations in Seattle. Two of the locations (Union Bay and WSDOT Peninsula) are close to the project, and two are located several miles from the project but in the same watershed. The four sites are as follows:

- Union Bay Natural Area – The Union Bay Natural Area is owned and managed by the University of Washington. It is directly north across Union Bay from the SR 520, I-5 to Medina project.
- WSDOT Peninsula – This site consists of a large, WSDOT-owned peninsula extending northward from the Arboretum area into Union Bay. The area currently contains the Lake Washington Boulevard and R.H. Thomson Expressway ramps.
- Seward Park – Proposal consists of removal of an existing bulkhead and enhancement existing shoreline habitat in four areas of Seward Park. Seward Park is located on Lake Washington, south of the I-90 bridge.
- Taylor Creek – Proposal includes enhancing the channel, delta and adjacent riparian area of Taylor Creek. Taylor Creek is located in southeast Seattle, off of Rainer Avenue. The creek flows into Lake Washington.

This decision pertains only to the Seward Park Area, located south of the I-90 Bridge on Lake Washington.

1.1.1.2 Site and Project Vicinity

Seward Park is located in the City of Seattle, as a peninsula along the western shore of Lake Washington. Seward Park has an extensive shoreline that varies through the presence of differing bank heights, bank slopes, bulkheads, native vegetation, and invasive aquatic vegetation. Some segments of the park shoreline were restored in 2001 and 2006. See Figure 1 Seward Park Project Location.

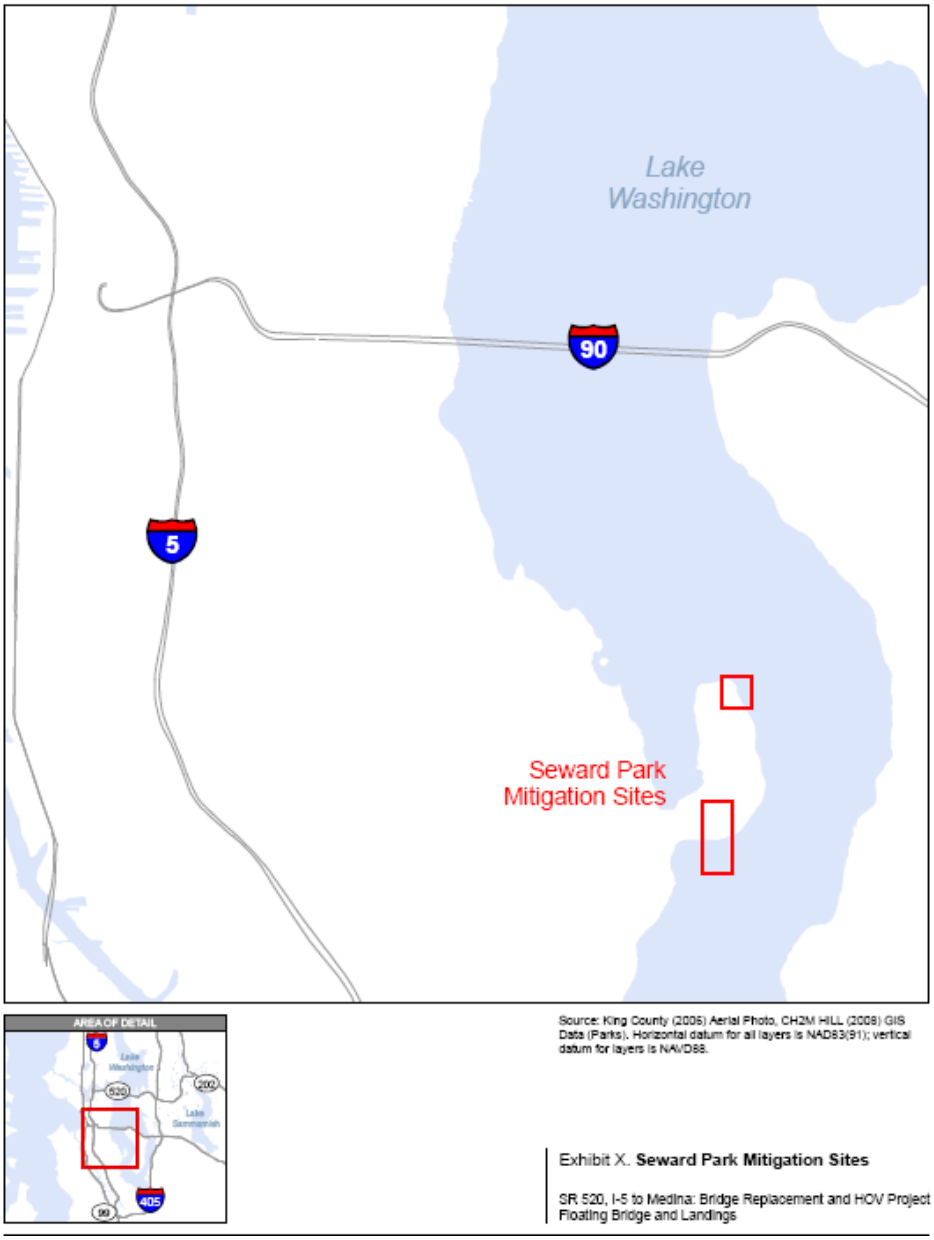

Figure 1 Seward Park Project Location

1.1.2 Proposal Description

WSDOT proposes to remove an existing bulkhead and enhance existing shoreline habitat in four areas of Seward Park. The four areas include the two segments of the shoreline that were restored in 2001 and 2006, and two additional restoration opportunities within the Park.

Seward Park 1 is located in the southern portion of the peninsula (See Figure 2 Seward Park Project 1). Mitigation actions at this site will include bulkhead removal, bank regrading, gravel installation, LWD installation, and riparian revegetation. Approximately 780 cubic yards of gravel will be offloaded and distributed to a depth of 1 foot. Although the substrate size and distribution will be determined from an subsequent analysis of of sediment transport from wind

generated waves and currents, the substrate will be installed with the smallest size distribution possible, in order to maximize habitat function for rearing juvenile Chinook.

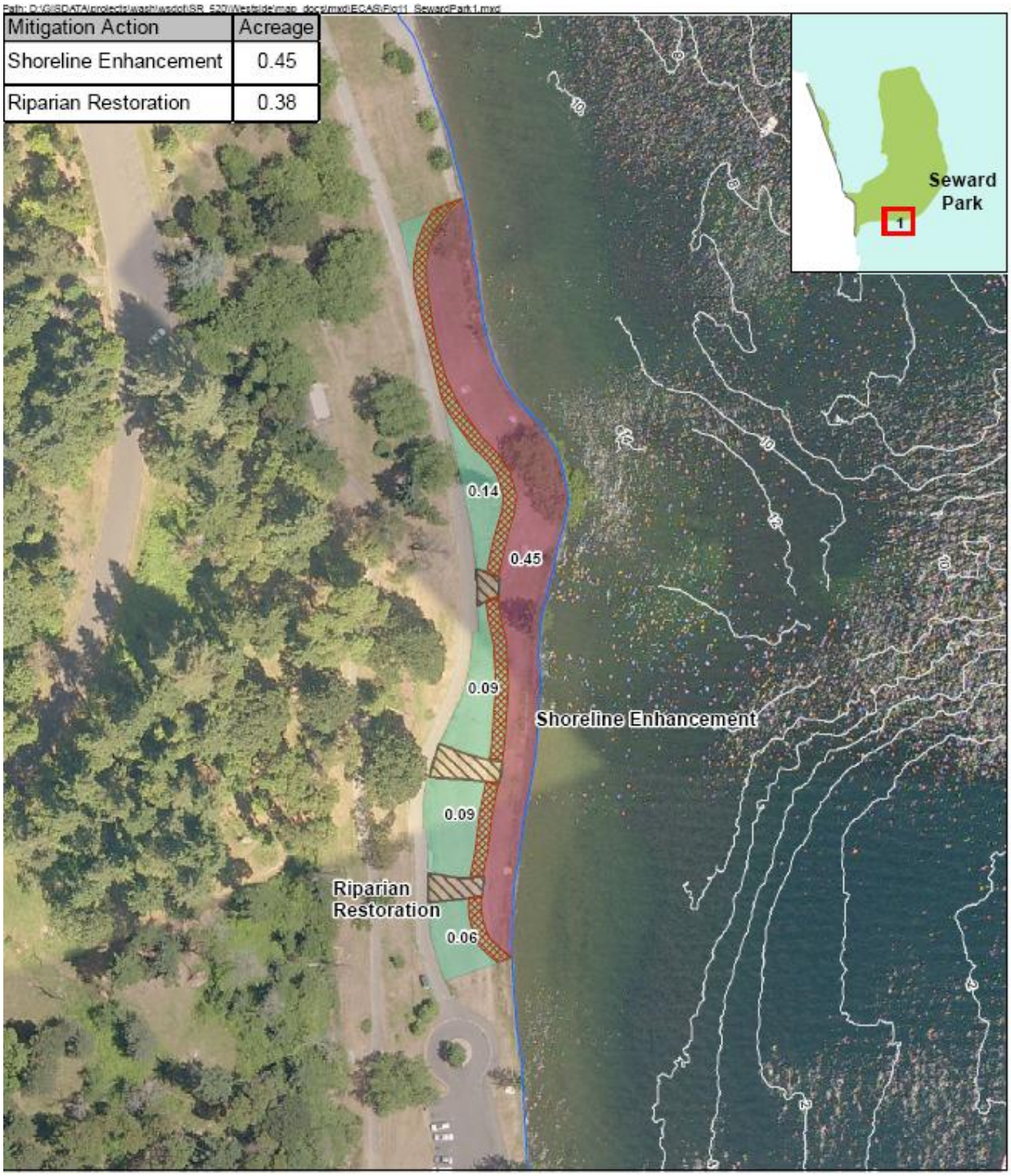

Figure 2 Seward Park Project 1

Seward Project 2 is located on the southeastern portion of the peninsula (See Figure 3 Seward Park Project 2). The shoreline has a narrow bench that extends about 50 feet from the shoreline

where water is less than 10 feet deep during high lake level, and then transitions into a steep slope. The shallow bench has gravel substrate for approximately the first 30 feet, then quickly turns to predominantly sand. The project will cover large, cobble-sized angular basalt lakebed with gravel suitable for sockeye spawning. Approximately 0.06 acre of lake nearshore will be supplemented with 97 yards of suitable gravel. The gravel will be offloaded and spread to a depth of 1 foot.

Figure 3 Seward Park Project 2

Seward Park Project 3 is located on the northeastern portion of the peninsula. The length of this segment is approximately 300 feet. The segment has a riprap bulkhead along its length, and has very little riparian vegetation. The vertical elevation gain between the uplands and the lake water level is approximately 5 feet. Mitigation actions at this site will include gravel installation, and riparian plantings. Because the riprap is largely above the managed lake levels and thinly applied, plants will be installed through the riprap matrix. Riparian plantings will be installed along the riprap face and adjacent wetlands. A previously-restored segment of the shoreline is adjacent and to the southeast of Project 3. A heavily-used swimming area is located adjacent and to the west of project 3. Grading quantities for the mitigation site are 3,400 cubic yards of excavation and 3,361 cubic yards of fill (gravel placement) located inside the shoreline environment.

Figure 4 Seward Park Project 3

Seward Park Project 4 is located on the southeastern portion of the peninsula. The shoreline has a shallow shelf that extends approximately 200 feet to the north where the water is less than 20 feet deep during high lake level before transitioning to a steep slope. For the first 75 feet, the substrate is mostly cobble, gravel, and sand. From there the substrate quickly turns to predominantly sand. Approximately 1.36 acres of predominantly sandy nearshore lakebed will be supplemented with suitable sockeye spawning gravel. Approximately 2,194 yards of gravel will be offloaded and spread to a depth of 1 foot.

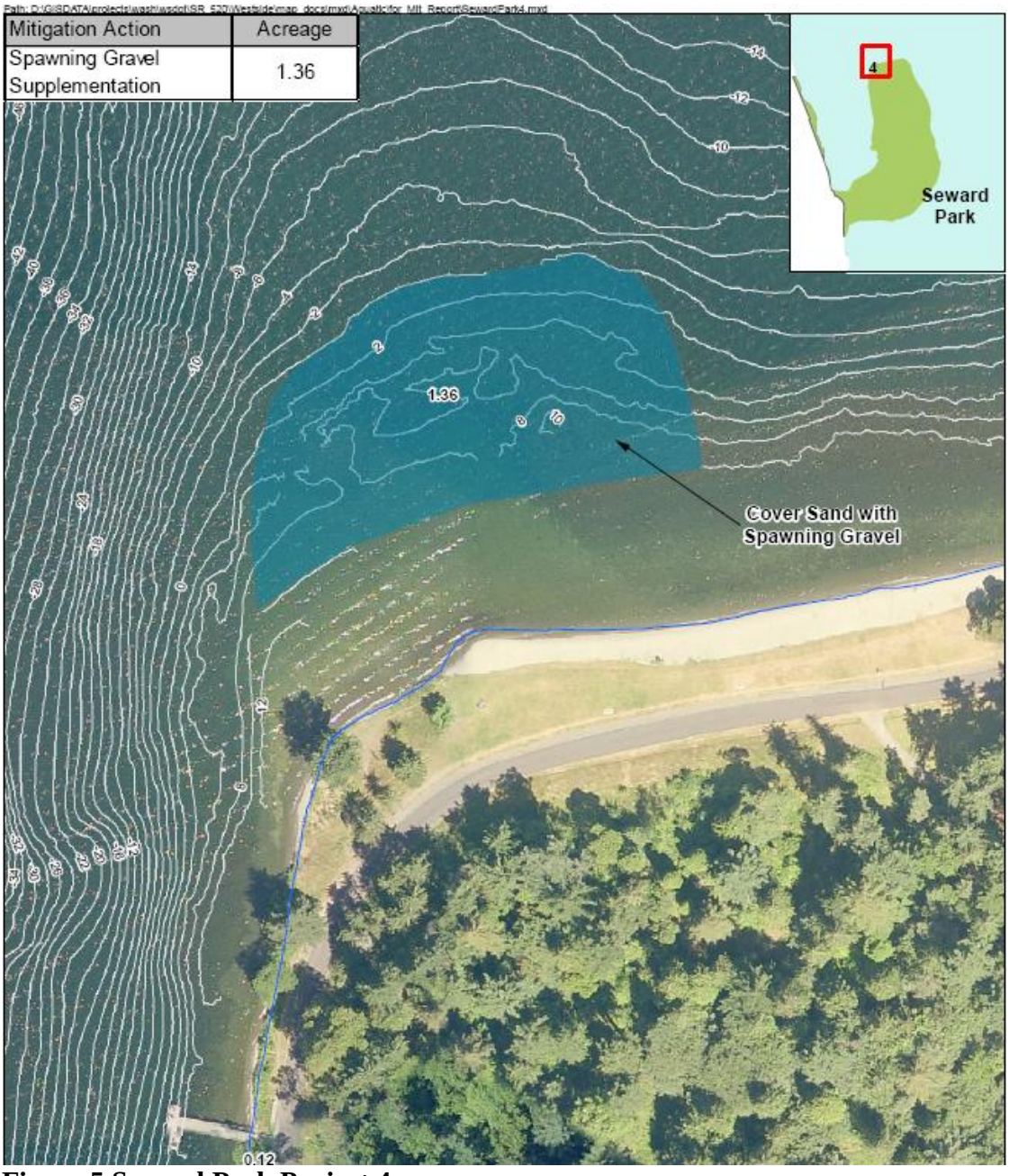

Figure 5 Seward Park Project 4

1.1.3 WSDOT Proposed Mitigation Measures

The overall goal of WSDOT mitigation measures is to achieve no net loss of habitat functions and values. The proposed mitigation sites at Seward Park will include measures to minimize construction impacts while creating new spawning areas along the shoreline, using materials placed in a way so as not to erode over time. In-water work will occur during designated in-water work windows.

1.1.4 Project Construction Duration

All the proposed mitigation sites are on publicly-owned land, and WSDOT has engaged in several partnerships with the landowning entities, some of whom have initiated restoration design concepts for the sites independent of this process. The construction is anticipated to last one to two years, depending on designated windows for in-water work.

The proposed schedule for the Seward Park Mitigation site work is as follows:

- Pre-Design 2010 – 2011
- Technical Studies 2013 – 2014
- Design and Permitting 2014 – 2015
- Construction 2016 – 2017
- Monitoring and Maintenance 2017 - 2027

A more comprehensive implementation schedule will be developed as each project design advances.

1.1.5 Public Comments

The comment period for this project ended on September 16, 2011. DPD held a public meeting and open house at the Museum of History and Industry (MOHAI) on the evening of October 5, 2011. Approximately 120 public comments were received either at the meeting or in writing to DPD. Overall, most of the comments pertained to the entire 520 bridge project. Most of these comments expressed numerous concerns about both the short and long term impacts of the construction of a larger bridge in the West Approach area. These concerns were primarily focused on the environmental and recreational impacts of the bridge construction in sensitive wetland and aquatic/nearshore habitats. A large number of comments expressed concern about the length of construction, timing of the permits, increased traffic and road impacts during construction, the larger size and greater impacts of the proposed design for the replaced bridge, and potential for substantial impacts during construction to local vegetation, mature trees, water/sediment quality, wildlife and recreational opportunities. A clear theme present in many of the comments for the entire project was that WSDOT (the applicant) shall include or substitute more environmental and recreational mitigation in the immediate area of project impacts rather than further away (off-site) or outside the City. Concerns were also expressed about inadequate or incorrect information in the project application for the project. A few comments specifically addressed the Seward Park project and were focused on concerns about impacts to neighbors from construction activities.

1.2 ENVIRONMENTALLY CRITICAL AREAS

The Environmentally Critical Areas Ordinance was adopted to promote safe, stable, and compatible development that avoids adverse environmental impacts and potential harm on the parcel and to adjacent properties. The proposed activities include grading and fill to enhance shoreline habitat and shoreline buffers in an environmentally critical area. These activities are allowed within the Shoreline regulations, as analyzed below, and consistent with development standards for development within the shoreline habitat and shoreline habitat buffer per SMC 25.09.200.

1.3 ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal is located within the following Shoreline Environments as designated by the Seattle Shoreline Master Program (SSMP): Conservancy Preservation (CP) and Conservancy Recreation (CR). The Shoreline Master Program, Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

A. The policies and procedures of Chapter 90.58 RCW;
B. The regulations of this Chapter; and
C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

1.3.1 The Policies and Procedures of Chapter 90.58 RCW

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and for the protection of the resources and ecology of the shoreline over the long term. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. The Shoreline Management Act of 1971 provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the State is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The City of Seattle Shoreline policies incorporate these goals by reference and include area objectives pursuant to these goals. These policies contemplate protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

As discussed below, the City's Shoreline policies encourage public access and discourage disrupting the shoreline environment. This proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

1.3.2 The Regulations of Chapter 23.60

The regulations of SSMP Section 23.60.064 require that the proposed use: 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required and 4) SMC 23.60.014 C. for standards applicable to environmentally critical areas as provided in Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, shall apply in the Shoreline District. If there are any conflicts between the Seattle Shoreline Master Program and Seattle Municipal Code Chapter 25.09, the most restrictive requirements shall apply.

The underlying zoning of Seward Park is Single Family 9600 (SF 9600). The underlying zoning allows for primarily single-family residential uses.

1.3.2.1 SMP 23.60.004 - Shoreline Policies

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan.

1.3.2.1.1 Environmentally Critical Areas (LUG 36)

Seattle's Comprehensive Plan Environmentally Critical Areas encourage protection of the ecological functions and values of wetlands, and fish and wildlife habitat conservation areas (LUG 36). WSDOT is proposing to remove an existing bulkhead and enhance existing shoreline habitat in four areas of Seward Park. These activities will both protect and enhance the ecological functions and values of fish and wildlife habitat conservation areas of the Seward Park shoreline.

1.3.2.1.2 Shoreline Goals LUG 43, LUG 48, and LUG 49 – Protection of Shoreline and Aquatic Environment

The Shoreline Goals and Policies are located in Section C-4 of the Land Use Element. There are three goals specific to the protection of the shoreline and aquatic environment: LUG 43, "Protect those areas of shoreline that are geologically dangerous or fragile, or biologically fragile."; LUG 48, "Preserve, protect and restore areas such as those necessary for the support of wild and aquatic life or those identified as having geological or biological significance.": and LUG 49, "Insure that all future uses will preserve and protect environmental systems, including wild and aquatic life."

Mitigation activities at this site will restore shoreline areas by removal of an existing bulkhead, and enhancing existing shoreline habitat. Activities will include:

- Enhancing riparian habitat adjacent to the shoreline
- Planting vegetation to provide adequate shade and overhanging cover along the shoreline for juvenile salmonid refugia and forage base
- Installing gravel substrate to creating suitable sockeye spawning habitat
- Providing shallow, low-gradient rearing and migratory habitat during juvenile Chinook and early juvenile sockeye rearing periods
- Providing indirect riparian functions, including shading, pollutant filtration and large woody debris (LWD) recruitment to the shoreline

The proposed activities are consistent with these three Shoreline Goals.

1.3.2.1.3 Shoreline Goals LUG 44 – Public Access and LUG 45 View Preservation

Goal LUG 44 provides for "the optimum amount of public access – both physical and visual – to the shorelines of Seattle. LUG 45 describes that views of the shoreline and water from upland areas shall be preserved and enhanced where appropriate.

Views and visual access by the public will be preserved and enhanced by the proposed shoreline habitat enhancement activities.

1.3.2.2 Effective Date of Shoreline Permit

Construction of the mitigation at the Seward Park Mitigation Sites is expected to begin in 2016 and to be completed in 2017. Site construction would be completed by WSDOT or its contractor. The time limits for the permit, per SMC 23.60.074A and B will be determined prior to issuance and be based on the based on the time needed to complete the construction of the project.

1.3.2.3 Shoreline Uses

The proposed shoreline development is located in the Conservancy Preservation (CP) and Conservancy Recreation (CR) Shoreline Environments. The proposed use as enhanced shoreline habitat will require dredging and landfill in both Shoreline Environments. Dredging and landfill is allowed as a conditional use (CU) in the CP Environment (SMC 23.60.304 B. Dredging necessary to protect or enhance the natural environment, to install utility lines, or for

navigational access) and as a special use (SU) in the CR Environment (SMC 23.60.364 Special uses in the CR Environment, D. The following protective structures: 1. Natural beach protection, E. Dredging necessary for water-dependent uses, installation of utility lines or creation of wildlife or fisheries habitat as mitigation or enhancement; and F. The following types of landfill: 2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement).

A summary of the activities proposed in each shoreline environment is provided on the following table:

Table 1-1
Summary of Activity Proposed in Shoreline Environment

Proposed Activity	CP Environment	CR Environment
Dredging/Landfill	CU	SU

See Section 1.3.3 Analysis – Shoreline Conditional Use for the analysis of whether the proposed dredging and landfill to be located in the CP Environment meets the Shoreline Conditional Use criteria.

An analysis of whether the proposed dredging and landfill is allowed as a "special use" in provided in the following section 1.3.2.3.1.

1.3.2.3.1 Analysis – Shoreline Special Use

As described above, per SMC 23.60.364 Special uses in the CR Environment, dredging and landfill is allowed subject to the special use criteria of Section 23.50.032 under these sections:

- The following protective structures: Natural beach protection,
- Dredging necessary for water-dependent uses, installation of utility lines or creation of wildlife or fisheries habitat as mitigation or enhancement; and
- The following types of landfill: Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

SMC 23.60.032 provides the following:

> *Uses which are identified as requiring special use approval in a particular environment may be approved, approved with conditions or denied by the Director. The Director may approve or conditionally approve a special use only if the applicant can demonstrate all of the following:*
>
> *A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;*

See Section 1.3.1. The Director has determined that the proposed uses are consistent with the policies of RCW 90.58.020.

See Section 1.3.2.1 for an analysis of compliance with Shoreline Policies. Mitigation activities at this site will provide shoreline and riparian vegetation to reduce erosion, provide refugia, and foraging habitat, and providing spawning, rearing and migratory fish habitat.

B. That the proposed use will not interfere with the normal public use of public shorelines;

The bulkhead removal and landfill are needed to create and enhance the shoreline habitat. The uses will not interfere with the normal public use of public shorelines. Views and visual access by the public will be preserved and enhanced by the habitat enhancement. Consistent with the current use, the proposed project use will be shoreline recreation. The normal public use of public shorelines will be maintained by the existing path system, which will not be affected by the mitigation at this site.

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

The proposed activities will enhance the existing shoreline habitats. The surrounding area is a park and natural area and these uses would be compatible. Construction of the project will not change the current or proposed use on this site. As shown in the Future Land Use Map in the City of Seattle Comprehensive Plan, the future use in this area is designated as City-owned Open Space. The proposed mitigation would not interfere with an open space designation. Consistent with the Shoreline Master Program, the project would restore natural conditions at Seward Park and protect the site in perpetuity. Note that the future land use map is intended to illustrate the general location and distribution of the various categories of land uses anticipated. Although it lists the general land use category as Open Space, the specific use is shoreline recreation; which is relevant because prohibitions of open space within the CP and CR shoreline environments do not apply to shoreline recreation.

D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and

See analysis above in Subsection 1.2.2.1.2 - Shoreline Goals LUG 43, LUG 48, and LUG 49 – Protection of Shoreline and Aquatic Environment. The proposed activities will provide beneficial effects to the shoreline environment. The project was designed in a manner that avoids and minimizes environmental effects to the greatest extent possible. To ensure that no significant adverse effects would result from the project, a natural resources technical working group (NRTWG) was convened and guided the development of permit applications and mitigation plans that identify impacts mitigation sequencing strategies, avoidance and minimization measures, and appropriate compensatory mitigation. Members of the NRTWG reviewed and commented on three iterations of aquatic and wetland mitigation plans, which included a number of potential mitigation site options and projects. The feedback provided through this process guided the final selection of mitigation sites and the development of associated site plans. The NRTWG process also informed ESA consultations, which culminated in the issuance of two Biological Opinions. Both Biological Opinions included incidental take statements, reasonable and prudent measures, terms and conditions, and conservation recommendations to avoid and

minimize effects on listed species and designated critical habitat. The project will remain in compliance with the measures, and terms and conditions from the Biological Opinion (included in Attachment 18 of the Final EIS), and therefore would reduce potential adverse effects from suspended sediment, underwater sound, overwater structure, fish handling and stormwater discharge.

E. That the public interest suffers no substantial detrimental effect.

The public interest will be served by this proposed shoreline improvement project. The public interest was considered during mitigation site selection and design. The project included extensive formal public outreach, consultation with affected agencies, and stakeholder coordination through legislatively mandated workgroup processes. The feedback provided through this coordination has been evaluated and documented as part of the NEPA /SEPA process for the project (see the Agency Coordination and Public Involvement Discipline Report, included in Attachment 7 of the Final EIS). Mitigation was also evaluated as part of the NEPA and SEPA processes. The mitigation proposed by this project will result in a benefit to the public interest by providing ecological improvements to the shoreline at Seward Park (see the Final AquaticMitigation Report and responses above for additional project benefits in support of the public interest).

1.3.2.3.2 Decision – Shoreline Special Use

The Director has determined that the proposed dredging and landfill meets the Special Use Criteria of SMC 23.60.032 and **is approved as follows**:

- The proposed landfill activities as proposed are approved as a special use (SU) in the CR Environment (SMC 23.60.364).

1.3.2.4 Shoreline Development Standards

The proposed shoreline development is located in the Conservancy Preservation (CP), and Conservancy Recreation (CR) Shoreline Environments. Pursuant to the Seattle Shoreline Master Plan, the proposed action is subject to the:

1. general development standards (SMC 23.60.152);
2. development standards applicable to specific uses (SMC 23.60.179 – 23.60.210);
3. development standards for uses in the CP Environment (SMC 23.60.332);
4. development standards for uses in the CR Environment (SMC 23.80.392 and SMC 23.60.400)

1.3.2.4.1 SMC 23.60.150 – 23.60.162 - Development Standards

SMC 23.60.150 - Applicable Development Standards.

All uses and developments in the Shoreline District shall be subject to the general development standards applicable to all environments, to the development standards for the specific

environment in which the use or development is located, and to any development standards associated with the particular use or development.

See analysis below for each shoreline environment.

SMC 23.60.152 - General Development

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment. The following general development standards are relevant to the proposed project:

> *A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*

The Project complies with applicable environmental regulations and best management practices (BMPs) are incorporated into the project design. The project will do the following:

- Restore natural grades, elevations, and vegetation (see the Final Wetland Mitigation Report and the Final Aquatic Mitigation Plan)
- Require contractors to use spill prevention and containment BMPs
- Require contractors to use fugitive dust control BMPs
- Require contractors to use good housekeeping measures to prevent contamination of land and water
- A Temporary Erosion and Sediment Control Plan (TESC) will be prepared prior to construction. The TESC will outline Best Management Practices that will be used to reduce sediment transport from disturbed ground to aquatic resources and adjacent properties. Best Management Practices (e.g. stabilized construction entrances, silt fence, surface roughening, gradient terraces, straw wattles, plastic covering, and check dam, etc) will be installed prior to earth disturbing activities and maintained until project completion and Notice of Termination is obtained. From October 1 through April 30, soils will not remain exposed and un-worked for more than two days. During the remainder of the year, soils will not remain uncovered and un-worked for more than seven days. For additional information, see the WSDOT Standard Specifications for Road, Bridge, and Municipal Construction, Division 8 – Miscellaneous Construction).
- As part of required construction plans, a stormwater pollution prevention plan and Certified Erosion and Sediment Control Leads (CESCLs) will routinely inspect and properly maintain all BMPs over the course of the project. In order to ensure the

effectiveness of the BMPS, a Construction Water Quality Protection and Monitoring Plan (WQPMP) will also be prepared and implemented as part of this project. The purpose of the plan is to assess compliance with the water quality standards during project construction. The TESC and WQPMP will be components of the Project Environmental Compliance Plan and will be updated as needed to reflect existing on site conditions. For additional information, see the WSDOT Standard Specifications for Road, Bridge, and Municipal Construction, section 8-01.3(1)B.

Possible negative impacts to surface and ground water quality could result from the vegetation and landfill activities due to earthwork, stockpiling, erosion of disturbed soils or soil stockpiles by stormwater runoff, fugitive dust from earth moving, equipment leaks or spills from construction equipment, material transport, and storm drainage. If not properly controlled through use of Best Management Practices, these project actions could affect other water quality parameters, such as the amount of available oxygen in the water.

Completed Construction Stormwater Pollution Prevention Plan and appendices as well as all portions of CSMPs relevant to activities in the Shoreline District shall be provided to DPD prior to issuance of any building permit for this project in the Shoreline District. The contractor will also prepare and implement an Environmental Compliance Plan (ECP) that identifies roles and responsibilities of key personnel, procedures for environmental compliance, procedures to identify and correct non-compliance events, and procedures for emergency response. The ECP will be provided to DPD prior to issuance of any building permits in this project area, as well as stored in a format easily accessible by WSDOT and the regulatory agencies. A copy shall be maintained at the contractor's construction office and on-site at the project.

B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

The project complies by requiring specific protective BMPs. The contractor will be required to develop and comply with a Spill Prevention, Control, and Countermeasures (SPCC) plan and a TESC plan. These plans will provide specific BMPs to keep solid and liquid wastes from entering bodies of water or being discharged onto the land.

- A Spill Prevention Control and Countermeasure Plan (SPCC) will be prepared prior to construction. The plan will outline measures and Best Management Practices to prevent any discharge of petroleum based products into surface waters and or adjoining shorelines during construction. Typical Best Management Practices to be implemented during construction include: secondary containment, double hull fuel storage tanks, spill kits, vegetable based petroleum products, absorbent boom material, defined fueling practices and procedure material storage lockers and equipment inspection and maintenance.
- See the response to SMC 23.60.152(A), above, for additional information on TESC plan requirements.

Additional information on in-water construction activities, effects from these activities, and associated BMPs is provided in Section 6.11, Ecosystems of the FEIS.

D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

No petroleum products, fresh cement, lime or concrete, chemicals or other toxic or deleterious materials that may be used during construction will be allowed to enter surface waters. Equipment in use at the staging and construction areas will be maintained in a safe and leak-proof condition and will be inspected regularly. Appropriate repairs will be made to prevent the release of such materials. Relevant BMPs and mitigation measures are discussed in substantial detail in Chapter 6 Construction Effects of the FEIS, and in the discipline reports and plans attached as addendums to the FEIS including the Geology and Soils Discipline Report; Water Resources Discipline Report; and Hazardous Materials Discipline Report. See discussion above regarding implementation of Construction Stormwater Pollution Prevention Plan and, in particular, Spill Prevention, Control, and Countermeasures Plan.

E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.

The project will enhance the natural drainage system by installation of riparian plantings through an existing rip-rap matrix and on adjacent uplands. Substrate enhancements within Lake Washington will install gravel suitable for sockeye spawning. Installation of riparian plantings will return the project to a more natural state, reduce surface runoff, provide natural water quality treatment processes, and protect shore properties. In addition, negative effects on surface water bodies during construction would be minimized by implementing water quality pollution control measures outlined in the required TESC, SPCC, and Concrete Containment and Disposal plans, including compliance with permit conditions.

F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.

The project proposes only permeable surfacing throughout its design. See the response to SMC 23.60.152(E) for a listing of restoration activities that will minimize surface water accumulation and runoff.

G. All shoreline developments and uses shall control erosion during project construction and operation.

The contractor for the project is responsible for the preparation and implementation of a Temporary Erosion and Sediment Control Plan (TESCP). The TESC plan would detail the risk of erosion in different parts of the study area and would specify best management practices

(BMPs) to be installed prior to construction activities and periodic maintenance and inspection procedures during construction. It would include environmental standards based on state regulations, such as turbidity and total suspended solids (TSS) levels in stormwater discharged from construction staging and work areas. Relevant BMPs and mitigation measures are discussed in substantial detail in Chapter 6 Construction Effects of the FEIS, and in the discipline reports and plans attached as addendums to the FEIS including the Geology and Soils Discipline Report; Water Resources Discipline Report; and Hazardous Materials Discipline Report. See discussion above regarding implementation of Construction Stormwater Pollution Prevention Plan.

H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

The mitigation project has been specifically located and designed to not only avoid and minimize adverse impacts, but to enhance natural habitats. The project avoids, minimizes, and mitigates for impacts by:

- Limiting construction-related disturbance to the minimum necessary to build the habitat improvements.
- Performing in-water work outside of sensitive fish use periods, and within approved in-water work windows.
- Restoring natural grades, elevations, and vegetation (see Sections 6.2 through 6.5 of the Final Aquatic Mitigation Plan)
- Installing riparian plantings
- Installing substrate enhancements with gravel suitable for sockeye salmon spawning and Chinook salmon rearing.
- Per Federal, State, and local requirements, compensatory mitigation sites must be protected in perpetuity through a deed restriction, long-term sensitive area protection easement, or similar land use instrument. In addition, mitigation sites that have been restored must be monitored for a period of ten years to ensure the restoration has been completed successfully. Following that ten year period, the Army Corps of Engineers requires long-term management plans to make certain that the mitigation site is maintained and the character preserved.

See Chapter 6 of the FEIS. All in-water construction activities would occur during project-specific work windows approved by the regulatory agencies. WSDOT has coordinated with the regulatory agencies and the Muckleshoot Indian Tribe to establish site- and project-specific in-water work windows to minimize the potential for project activities to affect juvenile or adult salmonids.

Standard over-water and in-water construction and demolition BMPs would be implemented in accordance with environmental regulatory permit requirements and WSDOT specifications. A temporary erosion and sediment control plan, a spill prevention, control, and countermeasures plan, and a stormwater pollution prevention plan would be developed and implemented.

Other BMPs could include:

- Avoiding or minimizing direct lighting effects from entering Lake Washington from construction activities by adjusting the angle of the lights and/or using bulbs in a non-white light spectrum
- Operating construction equipment from work bridges and barges where possible to minimize ground disturbance when working in or near sensitive areas
- Restoring cleared areas to preconstruction grades and replanting the areas with appropriate native herbaceous and woody species after construction

The Conceptual Aquatic Mitigation Plan (Attachment 9 to the FEIS) describes mitigation for aquatic resources effects.

> *I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.*

The proposed shoreline habitat mitigation activities within the Shoreline District will not require permanent development that would negatively impact natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion. Water circulation is expected to remain unaffected and sediment dynamics are anticipated to be improved. See discussion above regarding implementation of Construction Stormwater Pollution Prevention Plan.

During construction, the implementation of erosion and sediment control measures and other best management practices would minimize effects to water quality and the shoreline environment. To further reduce erosion, the project would minimize vegetation and soil disturbance to the extent possible. For additional mitigation measures and best management practices, see pages 35 to 36, 78 to 79, and 105 of the Ecosystems Discipline Report Addendum, included in Attachment 7 of the Final EIS.

> *J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*

The proposed activities within the Seward Park Mitigation Sites have been identified to be located, designed, construction and managed in a manner that will enhance surrounding natural areas and will be compatible with the residential and university uses of the larger neighborhood area. The project includes a variety of measures to avoid and minimize adverse impacts and to be compatible with the surrounding area. To maintain consistency with the Shoreline Master

Program, the project has developed best management practices and designed site-specific mitigation to protect and improve natural habitats within shoreline areas and ensure compliance with the City of Seattle's Environmentally Critical Areas Ordinance.

K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

The proposed land clearing, grading, and filling are discussed in the Draft Aquatic Mitigation Plan. Surfaces that are cleared of vegetation will be replanted. Surface drainage systems or substantial earth modifications will be professionally designed to prevent maintenance problems or adverse impacts on shoreline features. Specific construction activities will include grading to establish a surface consistent with wetland hydrology, replanting native wetland and upland plant species, and controlling non-native species on the site.

The project has been designed to minimize impacts to natural drainage features and landforms, to add native vegetation, and prevent maintenance problems or adverse impacts on shoreline features. The project will restore natural grades, elevations, and vegetation. WSDOT has committed to the implementation of a variety of upland best management practices to reduce construction effects; including practices such as, ensuring that a Certified Erosion and Sediment Control Lead is consulted and onsite during construction activities, clearly defining construction limits with stakes and high visibility fence before beginning ground disturbing activities, minimizing vegetation and soil disturbance to the extent possible, and avoiding or reducing effects on critical areas during project construction, including shoreline buffers and designated sensitive areas. For additional avoidance and minimization measures, see pages 35 to 36, 78 to 79, and 105 of the Ecosystems Discipline Report Addendum, included in Attachment 7 of the Final EIS.

L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

The proposed wetland and shoreline habitat creation and enhancement activities within the Shoreline District will not result in hazards to public health and safety. To ensure health and safety during construction of the project, a Worker and Public Health and Safety Plan would be implemented. In addition, a contaminant management plan would direct how contaminated soils and groundwater, if encountered, would be managed and disposed of during construction (Hazardous Materials Discipline Report Addendum, included in Attachment 7 of the Final EIS). No other potential hazards to public health or safety have been identified.

M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

The project will restore natural shoreline grades, elevations, and vegetation; therefore, shoreline defense and stabilization measures such as those listed are not required. Specific construction activities will include grading to establish a surface consistent with wetland hydrology, replanting native wetland and upland plant species, and controlling non-native species on the site. No shoreline defense or bulkheads are proposed.

> *N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.*

Potential impacts of construction-related pollutants and/or erosion are summarized above and discussed in more detail in Chapter 6 of the FEIS. The contractor will provide for the disposal of all debris and other waste material associated with the proposed activities within the Seward Park mitigation sitesA in a manner that prevents their entry into any water body.

Relevant BMPs and mitigation measures are discussed in substantial detail in Chapter 6 Construction Effects of the FEIS, and in the discipline reports and plans attached as addendums to the FEIS including the Geology and Soils Discipline Report; Water Resources Discipline Report; and Hazardous Materials Discipline Report. See discussion above regarding implementation of Construction Stormwater Pollution Prevention Plan.

1.3.2.4.2 SMC 23.60.179 – 23.60.210 - Development Standards Applicable to Specific Uses

Development standards applicable to specific uses in all shoreline environments are established in SMC Sections 23.60.179 through 23.60.210. The following development standards are relevant to the proposed project:

- SMC 23.60.184 Standards for landfill and creation of dry land

Shoreline fills or cuts shall be designed and located so that no significant damage to ecological values or natural resources shall occur and no alteration of local currents or littoral drift creating a hazard to adjacent life, property or natural resources shall occur. The proposed shoreline enhancement activities within the Shoreline District will not require permanent development that would negatively impact natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion, and will include the removal of an existing bulkhead. The project proposes small amounts of fill to create suitable substrate for the proposed habitat conditions, such as healthy planting topsoil and lakebed gravels. Sub-sections A, E, G, I, J, and K are not applicable to the proposed landfills. Compliance with applicable sub-sections is as follows:

> B.1 – The project has been designed to avoid and minimize impacts to ecological values and natural resources.
> B.2 – No alteration of local currents or littoral drift is expected.
> C. – All perimeters of fills will be planted with appropriate vegetation.

D. – Fill materials will adhere to WSDOT Standard Specifications and must be inspected and approved prior to use to ensure they will not pose problems for water quality.
F. – The project has been designed to avoid impacts to water resources, navigation, and water quality and minimize impacts to habitat.
H. – Any fill on submerged lands will be reviewed and approved by the WDFW through a Hydraulic Project Approval.

Relevant BMPs and mitigation measures are discussed in substantial detail in the FEIS and, in particular Chapter 5 Operation Effects, Chapter 6 Construction Effects, and the Ecosystems Discipline Report included as an Addendum to the FEIS. See discussion above regarding implementation of Construction Stormwater Pollution Prevention Plan.

- SMC 23.60.210 Aquatic noxious weed control

SMC 23.60.210 allows for the removal or control of aquatic noxious weeds by a number of methods, including: A. by hand-pulling, mechanical harvesting, or placement of aquascreens; B. by derooting, rotovating or other method which disturbs the bottom sediment or benthos; and C. through the use of herbicides or other treatment methods applicable to the control of aquatic noxious weeds. Depending on the method used and the depth, some activities require a shoreline permit or permit approval from the Department of Ecology.

As described in Section 7 of the Draft Aquatic Mitigation Plan, noxious weed monitoring is proposed during all 10 years following construction. Activities proposed for all years include:

- Washington State and King County listed Class A Noxious Weeds identified on the site are eradicated.
- King County listed Class B and C Weeds identified on the site are controlled. Control of noxious weeds means to prevent all seed production and to prevent the dispersal of all propagative parts capable of forming new plants. If Japanese knotweed is found at the mitigation site during monitoring, WSDOT (or its designated representatives) will promptly remove the stems above ground and chemically treat it to facilitate elimination of roots and rhizomes below ground.
- Noxious weeds listed by King County as Non-Designate including reed canarygrass, non-native blackberries, and Scot's broom do not exceed 25% aerial cover in riparian zones.

1.3.2.4.3 Development Standards Applicable to CP Environment

- SMC 23.60.332.A and B. Natural Area Protection in the CP Environment

Developments in the CP Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas. Development in critical natural areas shall be minimized.

The proposed activities are intended to both minimize adverse impacts to natural areas, and to enhance the shoreline areas. The results are intended to enhance the enjoyment by the public of the Seward Park shorelines.

The project proposes work to enhance shoreline fish habitats and riparian zones. The mitigation project has been specifically located and designed to not only avoid and minimize adverse impacts to natural areas of biological or geological significance, but to enhance natural areas. The project avoids minimizes, and mitigates for impacts by:

- Limiting construction-related disturbance to the minimum necessary to build the habitat improvements.
- Performing in-water work outside of sensitive fish use periods, and within approved in-water work windows.
- Restoring natural grades, elevations, and vegetation (see Sections 6.2 through 6.5 of the Final Aquatic Mitigation Plan)
- Installing riparian plantings
- Installing substrate enhancements with gravel suitable for sockeye salmon spawning and Chinook salmon rearing.

The project will enhance the enjoyment by the public:

- The Project will not affect access to publicly owned areas of the shorelines. Riparian restoration will not occur in public access areas or landward of the public walking trail. Public access within Seward Park will remain viable.
- Existing recreational opportunities at Seward Park will not be affected by this mitigation project.

The Project will increase recreational opportunities for the public in the shoreline by enhancing uses such as native plant and wildlife viewing. The project does not propose any development in saltwater (i.e. eel grass or kelp bed areas). The project does not propose any development in marshes, swamps, bogs, or streams.

1.3.2.4.4 Development Standards Applicable to CR Environment

- SMC 23.60.392.A and B. Natural Area Protection in the CR Environment

Developments in the CR Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas. Development in critical natural areas shall be minimized.

The proposed activities are intended to both minimize adverse impacts to natural areas, and to enhance the shoreline habitat areas. The results are intended to enhance the enjoyment by the public of the Seward Park habitat.

The project proposes work to enhance shoreline fish habitats and riparian zones. The mitigation project has been specifically located and designed to not only avoid and minimize adverse

impacts to natural areas of biological or geological significance, but to enhance natural areas. The project avoids minimizes, and mitigates for impacts by:

- Limiting construction-related disturbance to the minimum necessary to build the habitat improvements.
- Performing in-water work outside of sensitive fish use periods, and within approved in-water work windows.
- Restore natural grades, elevations, and vegetation (see Sections 6.2 through 6.5 of the Final Aquatic Mitigation Plan)
- Installing riparian plantings
- Installing substrate enhancements with gravel suitable for sockeye salmon spawning and Chinook salmon rearing.

The project will enhance the enjoyment by the public:

- The Project will not affect access to publicly owned areas of the shorelines. Riparian restoration will not occur in public access areas or landward of the public walking trail. Public access within Seward Park will remain viable.
- Existing recreational opportunities at Seward Park will not be affected by this mitigation project.
- The Project will increase recreational opportunities for the public in the shoreline by enhancing uses such as native plant and wildlife viewing.
- The project does not propose any development in saltwater (i.e. eel grass or kelp bed areas). The project does not propose any development in marshes, swamps, bogs, or streams.

- SMC 23.60.400 Regulated public access in the CR Environment

On public property, public access shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except when the property is submerged land which does not abut dry land.

Access to the shoreline in Seward Park will not be altered by these mitigation activities. The project does not propose regulated public access, nor does it affect existing regulated public access. Public access is already provided at Seward Park by a bike and pedestrian path adjacent to the park's entire shoreline. Additional public access at the park includes a swimming area, docks for fishing, picnic tables and areas, and many accessible grass and beach areas. Since the park already provides public access, and the project only enhances the natural features of the park without affecting access, the project meets this development standard.

1.3.3 Analysis – Shoreline Conditional Use

1.3.3.1 Analysis of Shoreline Conditional Use Criteria

The CP environment allows dredging and filling as a shoreline conditional use (SMC 23.60.304) subject to the criteria for conditional use approval which are described in WAC 173-27-160.

WAC 173-27-160 provides that uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

A. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

The policies of the RCW 90.58.020 provide for management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses, while allowing development in a manner which will promote the public interest. It states, in part: permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The proposed mitigation activities in Seward Park will protect statewide interests by enhancing the shoreline environment of Lake Washington; preserving the natural character of the shoreline by restoring natural grades, elevations, and vegetation; will provide long-term benefits to habitat of aquatic species through monitoring activities; protect the natural resources and ecology of the shoreline by restoring natural conditions; increase and enhance the views of the public; and will not adversely impact public access to publicly owned areas of the shoreline.

B. That the proposed use will not interfere with the normal public use of public shorelines;

Seward Park is publicly owned. The proposed shoreline habitat enhancement activities will not interfere with the normal public use of public shorelines. Consistent with the current use, the proposed project use will be shoreline recreation. The normal public use of public shorelines will be maintained by the existing path system, which will not be affected by the mitigation at this site.

C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

The City's Zoning maps show the authorized use of the property as a publicly-owned park (Seward Park). Construction of the project will not change the current or proposed use in the area of this project. As shown in the Future Land Use Map contained within the City of Seattle Comprehensive Plan, the future use in this area is designated as City-owned Open Space. The proposed mitigation would not interfere with an open space designation. Consistent with the Shoreline Master Program, the project would restore natural conditions at Seward

Park and protect the site in perpetuity.

As described in SMC 23.60.220.C, the *purpose of the CP Environment is to preserve, protect, restore, or enhance certain areas which are particularly biologically or geologically fragile and to encourage the enjoyment of those areas by the public. Protection of such areas is in the public interest.* The proposed use is a protection, continuation and enhancement of the existing natural area use, is compatible with other existing and planned authorized uses in the area, and is within the public interest.

D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

No significant adverse effects to the shoreline environment will occur as a result of the proposed activities. The project was designed in a manner that avoids and minimizes environmental effects to the greatest extent possible. To ensure that no significant adverse effects would result from the project, a natural resources technical working group (NRTWG) was convened and guided the development of permit applications and mitigation plans that identify impacts, mitigation sequencing strategies, avoidance and minimization measures, and appropriate compensatory mitigation. Members of the NRTWG reviewed and commented on four iterations of aquatic and wetland mitigation plans, which included a number of potential mitigation site options and projects. The feedback provided through this process guided the final selection of mitigation sites and the development of associated site plans.

The NRTWG process also informed ESA consultations, which culminated in the issuance of two Biological Opinions. Both Biological Opinions included incidental take statements, reasonable and prudent measures, terms and conditions, and conservation recommendations to avoid and minimize effects on listed species and designated critical habitat. The project will remain in compliance with the measures, and terms and conditions, from the Biological Opinion (included in Attachment 18 of the Final EIS), and therefore would reduce potential adverse effects from suspended sediment, underwater sound, overwater structure, fish handling and stormwater discharge. The compensatory mitigation provided by this project will assist WSDOT to achieve no net loss of wetland area or function, and ensure that the project would not result in significant adverse effects to the shoreline environment.

E. That the public interest suffers no substantial detrimental effect.

The public interest was considered during mitigation site selection and design. The project included extensive formal public outreach, consultation with affected agencies, and stakeholder coordination through legislatively mandated workgroup processes. The feedback provided through this coordination has been evaluated and documented as part of the NEPA /SEPA process for the project (see the Agency Coordination and Public Involvement Discipline Report, included in Attachment 7 of the Final EIS). Mitigation was also evaluated as part of the NEPA and SEPA processes. The mitigation proposed by this project will result in a benefit to the public interest by providing ecological improvements to the shoreline at Seward Park (see the Final Aquatic Mitigation Report and responses above for additional project benefits in support of the public interest.

WAC 173-7-160
In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

The granting of a conditional use for this action will result in improvements to the ecology and environment of the shoreline area at this location. The granting of conditional use permits for similar developments would also have positive results with respect to shoreline habitat and the environment and would be consistent with policies of RCW 90.58.020.

1.3.3.2 Decision – Shoreline Conditional Use Approval

The proposed shoreline conditional use approval to allow landfill in a CP environment is **GRANTED.**

1.3.4 The Provisions of Chapter 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments, and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

1.3.5 Decision – Shoreline Substantial Development Permit

The proposed shoreline substantial development permit is CONDITIONALLY GRANTED. Shoreline Substantial Development conditions are listed below in Section 1.5.

1.4 ANALYSIS – STATE ENVIRONMENTAL POLICY ACT

WSDOT's 2006 Draft Environmental Impact Statement (EIS) analyzed proposed corridor construction from the I-5 interchange in Seattle to just west of I-405 in Bellevue. The 2010 Supplemental Draft EIS evaluated the effects of a No Build Alternative and three 6-lane design options for the SR 520 corridor from I-5 to Medina. A Preferred Alternative, similar to Option A, was identified in April 2011 following consideration of comments on the SDEIS.

The June 2011 Final EIS and Final Section 4(f) and 6(f) Evaluations analyzed a No Build Alternative along with a Preferred Alternative and the three SDEIS design options for the I-5 to Medina corridor. The Preferred Alternative and the design options would replace vulnerable structures, add continuous HOV lanes, and include landscaped lids over SR 520 to reconnect neighborhoods that are now separated by the highway.

DPD's SEPA review of the SR 520 Seattle-side projects is limited to application of substantive authority and mitigation, as found in Seattle's Environmental Policies and Procedures (SMC 25.05.660). This is because WSDOT, as lead agency, has already completed the threshold

determination process, which resulted in a Determination of Significance, and publication of the subsequent Environmental Impact Statement (EIS).

The substantive authority role allows the City to consider mitigation for impacts that were identified in the EIS for the SR 520 Replacement projects using the 'policies, plans, rules, or regulations" designated in the city's SEPA ordinance (SMC 25.05).

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

> "[W]here City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) additional mitigation can be considered. The impacts identified in WSDOT's environmental documents and the City's SEPA policies are provided below.

1.4.1 Short-Term and Temporary Impacts

A number of temporary or construction-related impacts are expected from the anticipated 2-year construction period for this project, which are discussed in detail in the Final EIS (Chapter 6) and relevant Appendices or Addendums.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). In addition Federal and State regulations and permitting authority are effective to control short-term impacts on water quality. Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Some of these impacts are further discussed below.

1.4.1.1 General Construction Impacts

1.4.1.1.1 Short Term or Temporary Impacts

Seattle's SEPA policy regarding construction impacts recognizes that the construction process creates temporary impacts on the site and the surrounding area. The proposal is identified as having significant adverse impacts and mitigation measures have been planned in order to address the usual and direct impacts of noise, vibration, truck traffic, and air quality to name a few. There are also specific environmental policies for most of these types of impacts that may occur in the short-term and/or the long-term. Those impacts and the related SEPA policy discussion are detailed in the following paragraphs. Construction-related impacts not specifically addressed by a related SEPA policy (such as recreation or vibration) can be addressed under the authority of the Construction Impacts policy. The Community Construction Management Plan

(CCMP) is the tool identified to address construction-related impacts and is included below as the proposed mitigation for these impacts.

Greenhouse Gas Impacts: Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. The analyses described above in Chapter 6 of the Final EIS and in the Air Quality Discipline Report Addendum and Errata address project-related impacts due to greenhouse gas emissions. Mitigation measures are discussed in Chapter 6 of the Final EIS to reduce fuel usage. Because GHG emissions are related to fuel consumption, any steps taken to minimize fuel use would reduce GHG emissions as well, and mitigate for these impacts. No additional mitigation pursuant to SEPA is warranted.

1.4.1.1.2 General Proposed Mitigation

As requested by the Department of Archaeological and Historic Preservation, and outlined in the Section 106 Programmatic Agreement, WSDOT and the construction contractor will develop a community construction management plan (CCMP) for each funded phase of project construction. The final CCMP will be developed and implemented prior to construction. The development of a CCMP is also identified as a commitment in the Memorandum of Understanding (MOU) between the WSDOT and the City of Seattle. The MOU was signed by the Mayor and City Council in October 2011.

A CCMP is a set of tools and commitments to help minimize the effects of construction on the public by providing timely and responsive information, as well as implementing standard specifications and best practices. A CCMP is in development for the floating bridge and landings portion of the corridor, which has received funding for construction. A CCMP will be developed with public input for each future construction phase in Seattle that receives funding, including natural resources mitigation sites. Key topics that will be addressed in the CCMP will include:

- Noise
- Vibration
- Air quality and fugitive dust
- Visual quality: aesthetics, glare, lighting
- Traffic and transportation (haul routes, traffic, detours, street parking, damage resulting
- from heavy trucks and hauling, access, including emergency service access
- Utilities and services
- Vegetation management and erosion control
- In-water work (construction barges, work bridges, pontoon moorage, pontoon towing

For each of the topics listed above, the CCMP will address the following questions:

1) What can the public expect?
2) What are the applicable commitments from the Section 106 Programmatic Agreement?

3) What regulations must WSDOT and the contractor comply with?
4) What else are WSDOT and the contractor doing to avoid, minimize, and mitigate for construction effects on local communities and historic properties?
a. BMPs and WSDOT standard specifications.
b. Additional agreements, such as environmental commitments made through other regulatory and permitting processes.
c. Additional tools that will be used to avoid, minimize, and mitigate construction effects on local communities and historic properties.
5) Specific communication tools to address this concern: How can the public get more information or talk to someone about concerns?

The final work product will be a Community Construction Management Plan, and this document will be submitted to the City.

1.4.1.2 Air Quality

1.4.1.2.1 Short Term or Temporary Impacts

Construction impacts for the project are discussed in Chapter 6 of the Final EIS (2011) and Attachments, including the Air Quality Discipline Report Addendum and Errata. Air quality effects from removal of the bulkhead and enhancement of shoreline habitat would occur primarily as a result of emissions from heavy-duty construction equipment (such as bulldozers, backhoes, and cranes), diesel-fueled mobile sources (such as trucks, brooms, and sweepers), diesel- and gasoline-fueled generators, and on- and offsite project-related vehicles (such as service trucks and pickups). Dust emissions would also occur and would be associated with land clearing, ground excavation, and cut-and-fill operations.

1.4.1.2.2 Proposed Mitigation: Air Quality

Chapter 6 of the Final included description and discussion of mitigation measures to address the potential impacts identified in these analyses, including implementation of WSDOT's Memorandum of Understanding with Puget Sound Clean Air Agency (PSCAA) to comply with PSCAA regulations that require dust control during construction and to prevent deposition of mud on paved streets. The CCMP will also provide mitigation for short term or temporary impacts to air quality. With these measures in place, no additional mitigation pursuant to Seattle's SEPA policy on Air Quality or Construction Impacts is warranted.

1.4.1.3 Surface Water Quality

1.4.1.3.1 Short Term or Temporary Impacts

Construction impacts for the project are discussed in Chapter 6 of the Final EIS (2011) and Attachments, including the Water Resources Discipline Report Addendum and Errata and the Hazardous Materials Discipline Report Addendum and Errata. Temporary construction-related effects on water quality and mitigation for these effects are addressed in more detail in each of the two Discipline Reports

1.4.1.3.2 Proposed Mitigation: Water Quality

Construction effects on surface water would be avoided, minimized, and mitigated, and the amount of required treatment would be minimized and mitigated by the development, implementation, and ongoing updating of certain management plans, listed and summarized in Chapter 6 of the Final EIS. Construction of the project would require the development and implementation of temporary erosion and sediment control (TESC) and spill prevention, control, and countermeasures (SPCC) plans (WSDOT 2008a). A TESC plan would detail the risk of erosion in different parts of the study area and would specify best management practices (BMPs) to be installed prior to construction activities and periodic maintenance and inspection procedures during construction. It would include environmental standards based on state regulations, such as turbidity and total suspended solids (TSS) levels in stormwater discharged from construction staging and work areas.

A SPCC plan would also be prepared to prevent, control, and identify countermeasures for potential spills of hazardous materials during construction, as required by WSDOT Standard Specification 1-07.15(1) (WSDOT 2008d). Additional information on the requirements of SPCC plans is provided in the 2009 Hazardous Materials Discipline Report (Attachment 7 to the Final EIS).

See discussion above in Shoreline analysis section regarding implementation of the Construction Stormwater Pollution Prevention Plan and the ECP. The CCMP will also provide mitigation for short term or temporary impacts to Surface Water Quality. With these measures in place, no additional mitigation pursuant to Seattle's SEPA policy on Surface Water Quality is warranted.

1.4.1.4 Drainage and Earth

1.4.1.4.1 Short Term or Temporary Impacts

The construction-related effects from this project on earth and groundwater are addressed in Chapter 6 of the Final EIS and in the Geology and Soils Discipline Report Addendum and Errata

1.4.1.4.2 Proposed Mitigation: Drainage and Earth

The construction-related effects from this project on earth and groundwater and mitigation measures to address and minimize these effects are addressed in Chapter 6 of the Final EIS and in the Geology and Soils Discipline Report Addendum and Errata. Any additional information required to verify conformance with applicable ordinances and codes (the Stormwater Code and Director's Rule 16-2009) will be required prior to issuance of any required grading or fill permits. See discussion above in Shoreline analysis section regarding implemention of the Construction Stormwater Pollution Prevention Plan and the ECP.

A TESC plan will be required to adequately and systematically identify and minimize project risk. The purpose of the TESC plan is to clearly establish when and where specific best management practices (BMPs) will be implemented to prevent erosion and the transport of sediment from a site during construction. The TESC plan sheets will show the BMP locations and other features such as topography and sensitive area locations for multiple project stages.

Potential BMPs are as follows:

- Maintaining vegetative growth and providing adequate surface water runoff systems
- Using quarry spalls and, possibly, truck washes at construction vehicle exits from the construction site
- Regularly sweeping and washing adjacent roadways
- Constructing silt fences downslope of all exposed soil
- Using quarry spall lined temporary ditches, with periodic straw bales or other sediment catchment dams
- Providing temporary covers over soil stockpiles and exposed soil
- Using temporary erosion-control blankets and mulching to minimize erosion prior to vegetation establishment
- Constructing temporary sedimentation ponds for removal of settlable solids prior to discharge
- Limiting the area exposed to runoff at any given time
- Frequently watering exposed surface soils to minimize visible dust

Where construction dewatering could result in settlement that might damage adjacent facilities, mitigation could include the following:

- Re-injecting the pumped groundwater between the dewatering wells and the affected facility
- Using construction methods that do not require dewatering

The CCMP will also provide mitigation for short term or temporary impacts to Drainage and Earth. With these measures in place, no additional mitigation pursuant to Seattle's SEPA policy on Drainage and Earth is warranted.

1.4.1.5 Traffic and Parking

1.4.1.5.1 Short Term or Temporary Impacts

The construction-related effects related to traffic and parking are addressed in Chapter 6 of the Final EIS and in the Final Transportation Discipline Report attached to the Final EIS. The analysis includes effects on local streets, the regional freeway system, truck transportation, transit, and bicycle and pedestrian travel. There may be minor impacts on local streets from construction activities within the Seward Park area.

1.4.1.5.2 Proposed Mitigation: Traffic and Parking

WSDOT will prepare a construction TMP, in coordination with other stakeholders, to ensure that construction effects on local streets, property owners, and businesses are minimized. The TMP will include, as a minimum, the following measures:

- Details on required street and lane closures (duration and timing)
- Proposed detours and signing plans (for vehicles, pedestrians, freight, and bicycles)
- Compliance with Americans with Disabilities Act accessibility requirements.

- Measures to minimize effects on transit operations and access to/from transit facilities (in coordination with transit service providers)
- Traffic enforcement measures, including deployment of police officers
- Coordination with emergency service providers
- Measures to minimize traffic and parking effects from construction employees
- Measures to minimize effects of truck traffic for equipment and material delivery
- Measures to minimize disruption of access to businesses and properties
- Measures to minimize conflicts between construction activities and traffic during events

Further construction-related mitigation measures will be developed in a Traffic Management Plan that will be reviewed and approved by the City of Seattle.

As conditioned, the proposal's construction- related impacts can be adequately mitigated, pursuant to the authority in SEPA's Traffic and Transportation and Construction Impacts policies.

1.4.1.6 Noise

1.4.1.6.1 Short Term or Temporary Impacts

Construction-related impacts related to noise are addressed in Chapter 6 of the Final EIS and in the Noise Discipline Report Addendum and Errata attached to the Final EIS. Noise would include the use of typical non-impact construction noise-producing equipment such as excavators, haul trucks, loaders, and tractor trailers.

The City of Seattle has developed a set of construction-specific allowable noise-level limits that would apply to construction within the Seattle city limits. Unlike the Washington Administrative Code, the Seattle Municipal Code does not exempt daytime construction activities from regulation. Table 6.7-2 in Chapter 6 of the Final EIS includes the maximum permissible sound levels depending on the district designations of the sound source and receiving properties (rural, residential, commercial, or industrial). Most project construction could be performed within the indicated noise limits shown in Tables 6.7-2 if the work was performed during normal daytime hours. No night construction activities for the wetland and upland creation and enhancement activities are anticipated.

1.4.1.6.2 Proposed Mitigation: Noise

The project will need to meet the requirements of the City of Seattle noise ordinance and the conditions of any variance that may be obtained. Several construction noise and vibration abatement methods—including operational methods, equipment choice, or acoustical treatments—could be implemented to limit the effects of construction. The methods used might vary in the project corridor, depending on the type of construction. The following list describes some of the more common construction noise and vibration abatement methods that could be used.

- Operation of construction equipment could be limited wherever possible within 500 feet of any occupied dwelling unit during nighttime hours or on Sundays or legal holidays, when noise and vibration would have the most severe effect.

- Mufflers would be required on all engine-powered equipment, and all equipment would be required to comply with EPA equipment noise standards.

A complaint hotline could also be established to investigate noise complaints and compare them to the construction logs. A construction monitoring and compliance program could help to ensure that all equipment met state, local, and manufacturer's specifications for noise emissions. Equipment not meeting the standards could be removed from service until proper repairs were made, and the equipment re-tested for compliance. This procedure could be used for all haul trucks, loaders, excavators, and other equipment that would be used extensively at the construction sites and that would contribute to potential noise effects.

The following is a list of potential noise mitigation measures that could be included in the construction contract specifications:

- Minimize noise by regular inspection and replacement of defective mufflers and parts that do not meet the manufacturer's specifications.
- Install temporary or portable acoustic barriers around stationary construction noise sources and along the sides of the temporary bridge structures, where feasible and practical.
- Locate stationary construction equipment as far from nearby noise-sensitive properties as possible.
- Shut off idling equipment.
- Reschedule construction operations to avoid periods of noise annoyance identified in complaints.
- Notify nearby residents and institutions whenever extremely noisy work would be occurring.
- Restrict the use of back-up beepers during evening and nighttime hours.

Additional noise mitigation measures may be implemented as more details on the actual construction processes are developed and as part of any noise variance that may be required.

Any requests from WSDOT for construction noise variances for this project will generate specific mitigation requirements from the Seattle Department of Planning and Development that will be specified in any issued noise variance. As conditioned, the proposal's construction-related noise impacts can be adequately mitigated, pursuant to the authority in SEPA's Noise and Construction Impacts policies.

1.4.1.7 Plants and Animals

1.4.1.7.1 Short Term or Temporary Impacts

Section 6.11 of Chapter 6 of the Final EIS describes the construction impacts on ecosystems (including wetlands, fish, fish and aquatic habitat, wildlife, and federally and state listed species). Wildlife and habitat may be affected by temporary clearing and shading of vegetation. The Ecosystems Discipline Report Addendum and Errata (Attachment 7 to the Final EIS) provides a detailed technical discussion on potential effects.

Other potential short-term construction effects could include spills of hazardous materials (e.g., oil and gasoline), chemical contaminants, or other pollutants. To reduce potential spills of petroleum and hydraulic fluids in sensitive areas, maintenance or fueling of construction equipment, vehicles, or vessels would not be allowed within 200 feet of the area waterways without the implementation of appropriate spill prevention and control measures.

1.4.1.7.2 Proposed Mitigation: Plants and Animals

A spill prevention, control, and countermeasures plan and a concrete containment and disposal plan will be developed before beginning construction (see discussion above in Shoreline Substantial Development Permit analysis).

All in-water construction activities would occur during project-specific work windows approved by the regulatory agencies. WSDOT has coordinated with the regulatory agencies and the Muckleshoot Indian Tribe to establish site- and project-specific in-water work windows to minimize the potential for project activities to affect juvenile or adult salmonids.

Standard over-water and in-water construction and demolition BMPs would be implemented in accordance with environmental regulatory permit requirements and WSDOT specifications. Specific in-water construction time periods would also be established through the project permitting process to minimize potential effects of pile-driving and other in-water construction activities on salmonid species.

Appropriate BMPs and noise attenuation methods will be developed in coordination with the regulatory agencies, the Muckleshoot Indian Tribe, and environmental permitting processes, and implemented to minimize potential effects of pile-driving activities.

Other BMPs could include:

- Avoiding or minimizing direct lighting effects from entering Lake Washington from construction activities by adjusting the angle of the lights and/or using bulbs in a non-white light spectrum
- Operating construction equipment from work bridges and barges where possible to minimize ground disturbance when working in or near sensitive areas
- Restoring cleared areas to preconstruction grades and replanting the areas with appropriate native herbaceous and woody species after construction

The Surface Water Discipline Report and Hazardous Materials Discipline Report also contain mitigation measures that will minimize and mitigate impacts to natural resources, primarily with respect to Best Management Practices that will be employed for protection of water quality and aquatic habitat during construction activities. See discussion above regarding implementation of Construction Stormwater Pollution Prevention Plan.

1.4.2 Long-Term Impacts

The proposed mitigation activities in Seward Park are designed to protect and enhance spawning, foraging, and migrating aquatic species. The long-term impacts an anticipated to be an improvement over existing conditions.

1.4.3 Conclusion – SEPA

As part of the project proposal WSDOT has included substantial mitigation for identified impacts. A summary of these mitigation measures is in the project file, including the West Approach Environmental Critical Area Technical Memorandum (ECAR, Nov. 2011), as well as in the shoreline and SEPA analysis in this decision.

In addition to the aquatic mitigation measures detailed in the ECAR and described in the West Approach Analysis and Decision, Section 1.1.3, WSDOT proposes a Community Construction Management Plan as a mitigation measure as part of their proposal for this permit application.

DPD's analysis of the application is based on the proposal together with these mitigation measures and views this mitigation as appropriate pursuant to the City's SEPA policies. If the applicant proposes substantive revisions at a future date, additional SEPA review may be required.

1.4.4 Decision - SEPA

The proposal is **CONDITIONALLY GRANTED**

1.5 SHORELINE AND SEPA CONDITIONS

1. The project must be designed and built in substantial conformance to the site plan and project specifications submitted to the City of Seattle with the Application for Shoreline Substantial Development Permit, including the mitigation measures described in Section 1.1.3 above. Additional mitigation measures for habitat impacts described in this analysis and in the following conditions are required.

2. The time limits for the permit, per SMC 23.60.074A and B will be determined prior to issuance and will be based on the time needed to complete the construction of the project, currently estimated by WSDOT to be 2 years.

Prior to Issuance of Master Use Permit

3. **Final Design**

WSDOT or its contractor shall provide revised plan sheets showing final design for all development approved for the Seward Park Mitigation Sites (3012594). Any changes to current plan sheets for this project shall be clearly identified on these revised plans and demonstrate clearly that mitigation credits proposed under these permits have been met or exceeded by the final design plans. This information will also include final maintenance and monitoring plans for

the mitigation projects. This submittal shall include all pertinent technical reports supporting development of the final plans.

The grading plans for this project shall include all substantive elements (not necessarily all submittal requirements) needed for a grading permit under SMC 22.170.070 of the Seattle Grading Code as verified by DPD. DPD may opt to assign mutually agreed upon expert third party reviewer(s) to review technical aspects of the final mitigation plans to ensure implementation of the plans will adequately meet ECA/Shoreline mitigation requirements as provided in the ECAR. Third party reviews may include, but are not limited to, review of design elements relating to buffer vegetation planting and invasive vegetation management, hydrology and drainage design, and soils/geology.

4. **Environmental Critical Area Technical Memorandum**

A revised Environmental Critical Area Technical Memorandum or addendum to the report shall be provided to DPD that clearly updates, as needed, all information in this report relevant to the environmental impacts and/or mitigation based on the final design for this project.

5. **Additional Plan Submittals**

In addition to the information described above, WSDOT or its contractor shall prepare and provide copies to DPD of the Community Construction Management Plan, which shall be referenced on all permit submittals, and which shall be maintained in both the contractor's construction office and any on-site construction offices. More information on this plan is contained or referenced in the application submittal materials for this project to DPD, including the West Approach ECAR, the FEIS (e.g., Chapter 6) and the relevant Discipline Reports for the EIS, as well as WSDOT's Highway Runoff Manual (HRM). These plans shall include all project-specific Best Management Practices that go beyond standard BMPs described in the HRM and are necessary due to the nature of this project and its location. These project-specific BMPs are summarized in the application material for this project (e.g., Sections 6.0 and 7.0 of the Shoreline Application project description and supplemental information, dated November 29, 2011) as well as the shoreline and SEPA analysis above.

6. **The Community Construction Management Plan**

WSDOT and the City of Seattle have entered into a Memorandum of Understanding (MOU), signed Nov. 17, 2011, to address many aspect of the construction and operation of the expanded SR520 facilities. The MOU identifies numerous WSDOT commitments for public involvement and mitigation actions. A significant component of the MOU is the Community Construction Management Plan (CCMP). The CCMP will be developed with public input for each future construction phase of the 520 Bridge Replacement Project in Seattle that receives funding, including the West Approach section (Master Use Permit No. 3012587) and the four mitigation sites to be located at the Union Bay Natural Area (Master Use Permit No. 3012592), WSDOT Peninsula (Master Use Permit No. 3012593, Seward Park (Master Use Permit No. 3012594), and Taylor Creek (Master Use Permit No. 3012593.

Key topics that will be addressed in the CCMP for 3012594 will include:

a. Noise
b. Vibration. [Note: This section of the CCMP shall include details regarding how WSDOT will conduct outreach to potentially affected property owners in the project area and provide pre-construction surveys of residences or other privately-owned structures to establish baseline for potential impacts due to vibration during construction. This section shall include details for how claims of damage clearly caused by construction will be resolved.]
c. Air quality and fugitive dust
d. Visual quality: aesthetics, glare, lighting
e. Traffic and transportation (haul routes, traffic, detours, street parking, damage resulting from heavy trucks and hauling, access, including emergency service access)
f. Utilities and services
g. Vegetation management and erosion control
h. In-water work (construction barges, work bridges, pontoon moorage, pontoon towing, and boat navigation)

Prior to the Start of Construction

7. **Provision of Additional Plans**

The following plans shall also be fully prepared (as applicable) and provided to DPD prior to the start of any construction activities for this project.

a. Stormwater Pollution Prevention Plan (SWPP)

The SWPPP for this project shall be completed and provided to DPD prior to any construction activities on this project. This plan is intended to address water quality concerns from stormwater and other project related process water. The Temporary Erosion and Sediment Control (TESC) Plan and the Spill Prevention, Control, and Countermeasures (SPCC) Plan will implement the requirements of the SWPPP.

b. Temporary Erosion and Sediment Control Plan (TESCP)

The TESCP shall outline the design and construction specifications for BMPs to be used to identify, reduce, eliminate, or prevent sediment and erosion problems. It would include environmental standards based on state regulations, such as turbidity and total suspended solids (TSS) levels in stormwater discharged from construction staging and work areas. This Plan will address the following elements:

1) Marking clearing limits
2) Establishing construction access
3) Controlling flow rates
4) Installing sediment controls
5) Stabilizing soils
6) Protecting slopes
7) Protecting drain inlets

8) Stabilizing channels and outlets
9) Controlling pollutants
10) Controlling dewatering
11) Maintaining BMPs
12) Managing the project

c. Spill Prevention, Control and Countermeasures Plan

The Spill Prevention, Control and Countermeasures Plan shall outline requirements for spill prevention, responsible personnel, spill reporting processes and forms, stile information including site plans inspection protocols, equipment, material containment measures, and spill response procedures.

d. Concrete Containment and Disposal Plan

The Concrete Containment and Disposal Plan shall outline the management, containment, and disposal of concrete and discuss BMPs that would be used to prevent the discharge of stormwater or other materials with an elevated pH. Any collected wastes with an elevated pH will be treated prior to discharge to surface or groundwater or will be discharged to a sanitary sewer or similar system in the compliance with regulatory approvals.

e. Water Quality Monitoring Plan

The contents of the Water Quality Monitoring Plan are described in the HRM and include monitoring or sampling locations, procedures, reporting and identification of the applicable water quality standards from regulations or project approvals.

f. Fugitive Dust Control Plan

The Fugitive Dust Control Plan shall outline measures to prevent generation of fugitive dust from exposed soil, construction traffic, and material stockpiles. This plan will be prepared to address air quality in compliance with a Memorandum of Agreement between WSDOT and the Puget Sound Clean Air Agency.

8. WSDOT and/or its contractor shall obtain all required permits and approvals from other local, state and federal authorities, including King County, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, Washington Department of Ecology, U.S. Army Corps of Engineers, Puget Sound Clean Air Agency, OSHA, and any others that apply to this project.

<u>During Construction</u>

9. The contractor and WSDOT shall be responsible for compliance with each of the Plans described above, including all components of the CCMP and all construction-related Best Management Practices summarized in the FEIS and associated Discipline Reports and

submittal materials for the application for this project, including the Environmental Critical Area Technical Memorandum for the West Approach.

10. The contractor and WSDOT shall be responsible for compliance with the City of Seattle Noise Regulations or the modified requirements listed in any approved Noise Variances.

11. The contractor and WSDOT shall be responsible for implementing fish and wildlife protection and enhancement recommendations made by Washington Department of Fish and Wildlife to WSDOT through the HPA process and consultation with WDFW's wildlife experts.

12. WSDOT or its contractor shall make available to DPD, upon request, the results of all monitoring reports for potential construction-related impacts such as water quality monitoring, sediment quality monitoring, spill activity, fish or wildlife disturbances etc.

Within Six Months of Completion of Habitat Mitigation and Revegetation Efforts.

13. WSDOT or its contractor shall supply provide DPD with as-built plans showing all development, including landscape planting and grading completed for this project.

For Life of the Project

14. All operational Best Management Practices identified in the 2011 FEIS for this project, associated Discipline Reports, and the West Approach ECAR shall be implemented and enforced.

15. WSDOT or its contractor shall provide DPD copies of monitoring reports associated with performance of aquatic habitat mitigation projects.

Signature: (signature on file) Date: January 17, 2012
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development